

In an article written by Dr. Foster and two of his colleagues for the summer 1990 issue of the "Journal of Health Care for the Poor and Underserved," entitled "A Model for Increasing Access: Teenage Pregnancy Prevention," the authors clearly stated that the "I Have A Future" Program places considerable emphasis on widespread distribution of contraceptives to teenagers. This article and other "I Have A Future" materials make clear that reducing pregnancy among sexually active teens was the primary focus of the program, not promoting abstinence.

Mr. President, I find it difficult to believe that Dr. Foster and the administration would fail to provide documentation for their crucial claim, that abstinence was the dominant feature of the program, if such documentation existed. Considering the emphasis placed by Dr. Foster and the administration on the role abstinence and the "I Have A Future" Program played in this nomination, this was a devastating revelation and comment on the credibility of the nomination. The critical question here to me was not whether abstinence was the "bedrock" principle behind the program. What I found most disturbing was the apparent attempt to deceive people regarding the degree to which the program was based upon abstinence. Another credibility problem, Mr. President, exists with respect to Dr. Foster's position on the issue of parental consent in the area of abortion.

During the hearings, Senator MIKULSKI and I each queried Dr. Foster about whether he supported requiring parental consent in cases where minors seek abortions. In the end, Dr. Foster maintained that he supported parental consent laws as long as a judicial bypass provision was included. However, in a speech before a 1984 Planned Parenthood conference, Dr. Foster expressed strong opposition to consent statutes, including a Tennessee statute which included judicial bypass language. In that speech, Dr. Foster stated, "However, the [Supreme] Court upheld consent laws for minors; hence our opponents can still create abortion deterrents by seeking legislation which will necessitate such an approval." And, moments later, Dr. Foster repeated this sentiment. "The Supreme Court * * * upheld by a single vote margin the constitutionality of minority consent requirements, but in doing so, it did not examine how such laws work in actual practice. Hence, an opening has been left for those who would like to see such laws invalidated."

Those are pretty definitive statements. And they are in direct conflict with the support Dr. Foster professed for consent legislation at the hearing in response to my questions. This lack of consistency was troubling, Mr. President, and further buttressed my concerns about Dr. Foster's credibility. Furthermore, this nomination has from the very beginning been dogged by another credibility issue: the question of how many abortions Dr. Foster

actually performed over the years. The White House originally told the chairman of the Labor Committee that Dr. Foster had only performed one abortion. Then Dr. Foster issued a written statement claiming he had performed less than a dozen abortions. Days later, on "Nightline," Dr. Foster changed his position and stated that he had performed 39 abortions since 1973. During the Labor Committee hearings he admitted that he had performed a 40th—albeit a "pregnancy termination"—performed before 1973. During the same "Nightline" broadcast, Dr. Foster also was asked whether he was including in this count the 59 abortions obtained by women participating in a clinical trial he supervised for the drug prostaglandin.

Dr. Foster said that he did not include those abortions because they were part of a research study performed by a university trying to maintain accreditation. Thus, Dr. Foster, at various times throughout this process, has said that he performed 1 abortion, then 12, then 39, then 40, then another 49. In short, the number has changed with too much frequency and is still somewhat dependent on semantics.

The issue here is no longer the actual number, but, again, one of credibility. Knowing that the issue of abortion was going to be of great concern, I believe it was Dr. Foster's responsibility from the start to provide a complete and accurate accounting so that the Labor Committee and the American people would have reliable information with which to judge his qualifications.

Finally, Mr. President, Dr. Foster's credibility has been undermined by his characterization of the transcript from the 1978 HEW Ethics Board meeting, a meeting at which he was an active participant, and at which he is specifically reported to have said that he performed "perhaps" 700 abortions. The White House's initial response to news of the transcript's existence was to suggest that Dr. Foster had not even been at the meeting. The White House then shifted its approach and began issuing statements calling the transcript a fraud. That charge later proved to be false as well.

Now, even if the White House issued these false statements without Dr. Foster's knowledge, I believe he had a responsibility—to the White House, to Congress and to the American people—to correct the errors once they appeared. To my knowledge, no such attempt was made.

Only after others verified that Dr. Foster was at this meeting and that the transcript was, in fact, genuine did the White House and Dr. Foster adopt their current position: They now contend that the remark attributed to Dr. Foster about performing 700 amniocentesis and therapeutic abortions was an error in the transcription.

However, after reviewing the transcript, it was clear to me that there was no transcription error. The only transcription problems occurred during

different portions of the meeting and were corrected on the spot. Additionally, in response to my written questions, Dr. Foster did not deny other remarks about amniocentesis and therapeutic abortions attributed to him in the transcript. In fact, he admitted to having performed "therapeutic abortions" after diagnosing genetic disorders in unborn babies. This revelation conflicted with Dr. Foster's previous assertions about what was said at the meeting and raised even further questions in my mind about Dr. Foster's credibility.

Mr. President, on the matters I have just outlined, I believe Dr. Foster's credibility has been seriously damaged. Because I believe credibility is such an essential quality for any effective Surgeon General, I do not see how, given this liability, I could in good conscience support Dr. Foster's nomination.

Now, Mr. President, let me offer my reasons for voting against cloture in this instance. Generally speaking, it is my intention to vote to confirm qualified individuals that the President nominates. But in those circumstances where the integrity and credibility of a nominee—or the actions of an administration in presenting a nominee—are clearly or seriously in question, I will reserve my right to vote against the President's choice, or against efforts to close off debate on the Senate floor.

In my judgment, this nomination does present clear and serious questions about the nominee's credibility. For that reason, Mr. President, I felt a sincere obligation to vote against invoking cloture on the nomination of Dr. Henry Foster to be Surgeon General. ●

THE INTRODUCTION OF THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

● Mr. GRAHAM. Mr. President, today I join my colleague Senator CHAFEE in support of the Historic Homeownership Assistance Act, which he introduced yesterday. This will would spur growth and preservation of historic neighborhoods across the country by providing a limited tax credit for qualified rehabilitation expenditures to historic homes.

An understanding of the history of the United States serves as one of the cornerstones supporting this great Nation. We find American history reflected not only in books, films, and stories, but also in physical structures, including schools, churches, county courthouses, mills, factories, and personal residences.

The bill that Senators CHAFEE, SIMON, PRYOR, JOHNSTON, and I are co-sponsoring focuses on the preservation of historic residences. The bill will assist Americans who want to safeguard, maintain, and reside in these living museums.

The Historic Homeownership Assistance Act will stimulate rehabilitation

of historic homes. The Federal tax credit provided in the legislation is modelled after the existing Federal commercial historic rehabilitation tax credit. Since 1981, this commercial tax credit has facilitated the preservation of many historic structures across this great land. For example in the last two decades, in my home State of Florida, \$238 million in private capital was invested in over 325 historic rehabilitation projects. These investments helped preserve Ybor City in Tampa and the Springfield historic district in Jacksonville.

The tax credit, however, has never applied to personal residences. It is time to provide an incentive to individuals to restore and preserve homes in America's historic communities.

The Historic Homeownership Assistance Act targets Americans of all economic incomes. The bill provides lower income Americans with the option to elect a Mortgage Credit Certificate in lieu of the tax credit. This certificate allows Americans who cannot take advantage of the tax credit to reduce the interest rate on their mortgage that secures the purchase and rehabilitation of a historic home.

For example, if a lower-income family were to purchase a \$35,000 home which included \$25,000 worth of qualified rehabilitation expenditures, it would be entitled to a \$5,000 Historic Rehabilitation Mortgage Credit Certificate which could be used to reduce interest payments on the mortgage. This provision would enable families to obtain a home and preserve historic neighborhoods when they would be unable to do so otherwise.

This bill will vest power to those best suited to preserve historic housing: the states. Realizing that the States can best administer laws affecting unique communities, the Act gives power to the Secretary of the Interior to enter into agreements with states to implement a number of the provisions.

The Historic Homeownership Assistance Act does not, however, reflect an untried proposal. In addition to the existing commercial historic rehabilitation credit, the proposed bill incorporates features from several State tax incentives for the preservation of historic homes. Colorado, Maryland, New Mexico, Rhode Island, Wisconsin, and Utah have pioneered their own successful versions of a historic preservation tax incentive for homeownership.

At the Federal level, this legislation would promote historic home preservation nationwide, allowing future generations of Americans to visit and reside in homes that tell the unique history of our communities. The Historic Homeownership Assistance Act will offer enormous potential for saving historic homes and bringing entire neighborhoods back to life.

I urge my colleagues to support this bill for the preservation of history. ●

PAKISTAN: AMERICA'S LONG-TIME ALLY

● Mr. BROWN. Mr. President, the United States and Pakistan have a long-standing friendship. When South Asia gained its independence from Britain in 1947, the countries of the region faced an important choice—alignment with the United States or non-alignment and cooperation with the Soviet Union. Pakistan unabashedly chose the United States. In 1950, Pakistan's first Prime Minister visited the United States, laying the seeds for more than 40 years of close cooperation between our two countries.

In 1950, Pakistan extended unequalled support to the United States-led United Nations effort on the Korean peninsula. Pakistan joined in the fight against communism by joining the Central Treaty Organization [CENTO] in 1954 and the Southeast Asia Treaty Organization [SEATO] in 1955. In 1959, Pakistan and the United States signed a mutual defense treaty, under which the United States setup a military airbase near Peshawar from which reconnaissance flights over the Soviet Union were conducted. This concession came at great risk to Pakistan. After the 1960 shoot-down of Gary Powers over the Soviet Union, the Soviets issued threatening statements directed at Pakistan for its support of the United States.

Ten years later, Pakistan worked with the United States to arrange the first United States opening to China when then-Secretary of State Henry Kissinger secretly visited China from Pakistan in 1970. Partly as a result of Soviet pique over Pakistan's assistance to the United States, the Soviets entered into a treaty of friendship with India, which was shortly followed by India's invasion of East Pakistan in 1971.

From 1979 to 1989, Pakistan opened its borders and joined to United States forces assisting the Afghan rebels fighting against the Soviet occupation of Afghanistan. The reliable assistance of our friends in Pakistan played a significant role in the Soviet defeat in Afghanistan, thereby hastening the collapse of the Soviet empire and monolithic world communism.

Pakistan joined the United States during the Gulf war against Iraq, contributing significantly to the international forces arrayed against Saddam Hussein. Since 1992, Pakistan has been in the forefront of U.N. peace-keeping operations. In addition, Pakistan has cooperated extensively with the United States in our efforts to combat international terrorism, providing critical assistance in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City. Pakistan has truly been a good friend of the United States.

Pakistan currently faces a nuclear threat from India who faces a nuclear threat from China. This circular threat

coupled with conflict after conflict in the region has created a spiraling arms race in South Asia. In 1985 the Congress adopted an amendment to the Foreign Assistance Act of 1961 cutting off all assistance to Pakistan if the President could not certify that Pakistan did not possess a nuclear explosive device. In 1990, the President was unable to issue such a certification.

After 5 years, it is clear that the non-proliferation approach outlined in this amendment—known as the Pressler amendment—has not worked. The approach taken by the amendment attempts to penalize only one party to this regional nuclear arms race, while leaving the other parties free to produce nuclear weaponry and nuclear capable delivery systems.

China has undertaken the single largest military build-up in the world. India's weapons program has continued unabated since 1974 and is now developing nuclear capable missile delivery technology that is perceived as a direct threat to Pakistan. Faced with these threats to its national security, the restrictions on United States assistance have not deterred Pakistan from developing a nuclear weapons capability. It is clear that no progress in non-proliferation has been made in South Asia since these restrictions took effect.

The President recognized this fact during the April 11, 1995, meeting with Prime Minister Bhutto of Pakistan after which he stated that "in the end we're going to have to work for a nuclear-free subcontinent, a nuclear-free region, region free of all proliferation of weapons of mass destruction." Mr. President, I ask that the full text of the President's press conference with Mrs. Bhutto be printed in the RECORD.

The text is as follows:

PRESS CONFERENCE BY THE PRESIDENT AND PRIME MINISTER BENAZIR BHUTTO OF PAKISTAN, APRIL 11, 1995

THE PRESIDENT. Please be seated. Good afternoon. It's a great pleasure for me to welcome Prime Minister Bhutto to the White House. I'm especially pleased to host her today because of the tremendous hospitality that the Prime Minister and the Pakistani people showed to the First Lady and to Chelsea on their recent trip.

I've heard a great deal about the visit, about the people they met, their warm welcome at the Prime Minister's home, about the dinner the Prime Minister gave in their honor. The food was marvelous, they said, but it was the thousands of tiny oil lamps that lit the paths outside the Red Fort in Lahore that really gave the evening its magical air. I regret that here at the White House I can only match that with the magic of the bright television lights. *(Laughter)*

Today's meeting reaffirms the long-standing friendship between Pakistan and the United States. It goes back to Pakistan's independence. At the time, Pakistan was an experiment in blending the ideals of a young democracy with the traditions of Islam. In the words of Pakistan's first President, Mohammed Ali Jinnah, Islam and its idealism have taught us democracy. It has taught us the equality of man, justice, and fair play to everybody. We are the inheritors of the glorious traditions and are fully alive to our responsibilities and obligations. Today Pakistan is pursuing these goals of combining the